

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MATTHEW DUSKIN,

No. 2:11-cv-00105-SU

Petitioner,

ORDER

v.

JEFF PREMO,

Respondent.

Matthew Duskin  
14670 SW Glenbrook Road  
Beaverton, OR 97007

Petitioner, *Pro Se*

Ellen F. Rosenblum, Attorney General  
Kristen E. Boyd, Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, OR 97310

Attorneys for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation (#81) on February 28 2013, in which she recommends that the Court should deny Petitioner's motion for evidentiary hearing (#69) and amended petition for writ of habeas corpus (#36). Petitioner timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


I have carefully considered Petitioner's objections and conclude that the objections do not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court adopts Magistrate Judge Sullivan's Findings and Recommendation (#81). Therefore, Petitioner's motion for evidentiary hearing (#69) and amended petition for writ of habeas corpus (#36) are denied.

IT IS SO ORDERED.

DATED this 22 day of November, 2013.

  
 MARCO A. HERNANDEZ  
 United States District Judge